

IN THE DRAWINGS

Corrected drawings are supplied herewith.

Enclosed are Replacement Sheets showing the following amendments to Figures 2-5 and 7-10.

REMARKS

This responds to the Office Action mailed on September 24, 2007. Claim 12 is amended and claim 16 is canceled. Claims 1-15, 17, 29-33 and 35-46 are pending in this application.

Request for Interview

Applicant's representative, Gregg Peacock, respectfully requests a telephonic interview prior to issuance of the next Office Action. The telephone number for Gregg Peacock is (612)371-2103.

Drawing Objections

The drawings were objected to because of the shading contained in Figures 2-5 and 7-10. Applicant has included corrected drawings. Accordingly, Applicant respectfully requests that the drawing objections be withdrawn.

§112 Rejection of the Claims

Claims 1, 12 and 17 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. Claim 12 has been amended. Applicant respectfully submits that claims 1, 12 (as amended) and 17 particularly point out and distinctly claim the subject matter which applicant regards as the invention, to satisfy 35 U.S.C. § 112, second paragraph.

With regard to definiteness under 35 U.S.C. 112, 2nd paragraph,

[t]he essential inquiry pertaining to this requirement is whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. Definiteness of claim language must be analyzed, not in a vacuum, but in light of: (A) The content of the particular application disclosure; (B) The teachings of the prior art; and (C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made. (emphasis added) MPEP 2173.02.

Claims 1 and 17

The Office rejected claims 1 and 17 for “a similar problem.” Therefore, the rejection of claims 1 and 17 will be address together. With regard to claim 1, the Office indicated the following:

Claim 1, recites ‘ . . . a selection of an entry in the variable price schedule from the user, . . .;’. There is not any process of the user selecting anything. Is the entry a selected price for the item? The claim limitations do not say selectable or the user selects anything.

Office Action at page 3.

Applicant respectfully traverses. Claim 1 is not attempting to claim an active operation by the user. Rather, claim 1 is directed, in part, to receiving what the user has selected and processing accordingly. In particular, the operation of receiving relates to a user’s selection of “an entry in the variable price schedule.” The Office also rejected claim 1 because of indefiniteness regarding an entry in the variable price schedule. Applicant respectfully submits that claim 1 does particularly point out and distinctly claims the entry in the variable price schedule. The Office questioned whether the entry is a selected price for the item. In example embodiments in the application, the entry in the variable price schedule can include a price (see 42 in FIG. 2). In accordance with the application, the entry can also include other data (see description of the price schedule area 34 in FIG. 2 starting at page 9, line 18 – page 10, line 8).

With regard to claim 1, the Office also indicated the following:

[T]he last claim limitation recites “notifying the user when the entry in the variable price schedule is reached”. It is unclear from the claim limitation how the user is notified and the variable price schedule for what is reached because the user has not selected anything in order to be notified and for a variable price schedule to be reached.

Office Action at pages 3-4.

Applicant respectfully traverses. In element 3 of claim 1, the reminder command received from the user includes a selection of an entry – “the reminder command including a price selection

from the plurality of the price selections for the item.” As described above, claim 1 is directed to receiving a user selection. Claim 1 is not claiming an active operation by the user. Accordingly, Applicant respectfully submits that the rejection of claims 1 and 17 under 35 U.S.C. § 112, second paragraph has been overcome.

Claim 12

With regard to claim 12, the Office indicated the following:

Claim 12, has a similar problem with “a plurality of reminder request controls and the same item identified” because there has not been any process for the identification of an item prior to this limitation. It is unclear who or what is identifying the item.

Office Action at page 4.

Applicant has amended claim 1 to clarify the item presented in the item information area corresponds to the future time-separated price choices that correspond to the reminder request controls. Accordingly, Applicant respectfully submits that the rejection of claim 12 under 35 U.S.C. § 112, second paragraph, has been overcome.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner’s personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in

support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

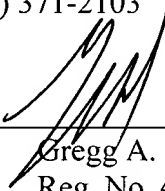
Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 371-2103 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

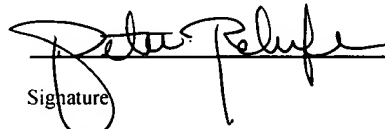
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Date 1-27-08

By 
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 24 day of January 2008.

Peter Rebuffoni
Name


Signature